

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC LAVERGNE

Defendant.

No. 06-CR-30160

ORDER

HERNDON, District Judge:

Before the Court is a motion to continue trial submitted by the Government. (Doc. 83.) Defendant Brown has been incarcerated in Texas for a State of Texas felony drug offense and a pending felony escape charge. Due to Defendant Brown's unavailability in this District and the fact that no motion for severance has been filed by Defendant Lavergne (the remaining Defendant in this case), the Government requested in its motion to continue (Doc. 83) that trial in this matter be continued and that a new trial date be set for Defendant Lavergne upon the arrival and initial appearance of Defendant Brown. The Court agreed and found that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweighed the interests of the public and Defendant Lavergne in a speedy trial because a single trial is favored to preserve the resources of the Court and to promote efficiencies, particularly when no motion to sever has been

filed and the period of delay is reasonable. **18 U.S.C. § 3161(h)(7)**. Therefore, the Court **GRANTS** the Government's motion to continue (Doc. 83). Defendant Brown was arraigned yesterday, April 30, 2007, and his trial was set for June 18, 2007. In accordance with this schedule, the Court continues the trial scheduled for April 23, 2007 for Defendant Lavergne until June 18, 2007 at 9:00 a.m.. The time from the date the Government's motion was raised, April 19, 2007, until the date on which the trial is rescheduled, June 18, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 1st day of May, 2007.

/s/ David RHerndon
United States District Judge